

Comments of the Environmental Defense Fund
on the Delta Stewardship Council's
Interim Delta Plan

May 12, 2010

The Environmental Defense Fund appreciates the opportunity to comment on the Delta Stewardship Council's Interim Delta Plan. While the depth of the Council's role in many of these matters is yet to be defined, we expect the Council to provide important public oversight of the roles and activities of the agencies and other parties involved in solving the Delta's problems and addressing statewide water use. It is the Council's responsibility to ensure not only that these various efforts are coordinated but also to keep the public well informed of progress made toward achieving the Council's goals.

Fundamentally, we are concerned that the current outline for the Interim Delta Plan is too broad. The Delta Stewardship Council runs the risk of failing to address the most critical objectives if it does not pursue key areas of importance with vigor. Below we lay out five areas where we believe the Council should focus its efforts in the near term.

Levee reliability and emergency response: The potential consequences and likelihood of a multiple levee outage in the Delta have been widely reported. A flood or earthquake could inundate Delta islands, wreak havoc on the environment and render the State and Federal water projects unusable. Too little progress has been made since the controversial Phase 1 Delta Risk Management Study was released.

The Council has the responsibility to pursue two courses of action – one to prioritize a long term for levee repair and one to respond in the event of an outage. The areas of overlap between parties that would be affected are considerable, affecting Delta communities and a host of agencies that rely on infrastructure in the Delta as well as the agencies responsible for protecting fish and wildlife. It is critical that these efforts proceed with all due speed as many of the Delta's levees are indeed vulnerable.

Other stressors: There is considerable disagreement as to what actions are necessary to restore healthy populations of fish to the Delta and rivers that feed it. Much research has been done to date, but key questions remain unanswered. To what degree must natural hydrologic patterns be maintained? How should habitat within or upstream of the Delta be restored? To what degree have invasive species impacted the Delta ecosystem and what can be done? How important is it to control pollutants? The Delta Stewardship Council should play a key role in

coordinating the various research efforts and helping to focus recommendations for restoring fish populations while continuing to deliver reliable supplies of water.

The Bay Delta Conservation Plan: As specified by State legislation, the Council plays a critical oversight role in evaluating the BDCP. The Council has the opportunity to determine if the BDCP is adequately working with Delta communities that will be affected by any final plan. The Council must evaluate whether the BDCP is considering a reasonable range of alternatives and play a role in helping to determine whether those alternatives are financially feasible. And the Council can then judge whether the BDCP plan is on track and whether its schedule can realistically be met. It is the Council's responsibility to provide this independent review of critical BDCP elements and prevent the process from adopting an infeasible plan.

Reducing reliance on the Delta: The recent State legislation provides new tools to help reduce California's reliance on the Delta for water supply (in years immediately preceding the recent Endangered Species Act rulings, exports from the Delta totaled about 6 million acre-feet per year - about 15% of the State's total developed water supply of 40 million acre-feet per year). The legislation includes provisions that mandate urban conservation, and encourage agricultural conservation and sustainable groundwater management. These provisions, however, require agencies, primarily the Department of Water Resources, to work closely with water agencies and farmers to produce tangible results. The Council must provide close oversight to make sure that these opportunities are realized and maximized.

Finance: No plan to restore the Delta or provide reliable water supply will be successful unless sufficient funds are available to pay for it. This does not mean that the Council, or any other State or Federal agency, must manage funds for all projects; in many cases individuals and communities must learn that they must pay for projects with their own funds and not look to others for assistance.

For restoration projects and other activities that do provide broad-based benefits and thus warrant public expenditures, Environmental Defense Fund recommends the Council consider assessing a fee based on the volume of water extracted from the Delta and the rivers that feed it. We recognize that such a fee is controversial and we therefore urge the Council to pursue the matter as soon as possible as success may not be immediate.